

Remarks

In accord with M.P.E.P. §§ 1206 and 1207, Applicants present this amendment during the period allowed for filing an appeal brief. The sole issue remaining is the rejection of claims 1-5, 8, 9, and 20 were rejected under the judicially created doctrine of obviousness-type double patenting at being unpatentable over claims 1-3 and 8-11 of U.S. Patent No. 6,372,206, issued April 16, 2002. In the final office action, the Examiner noted that a timely filed Terminal Disclaimer in compliance with 36 C.F.R. §1.321(c) would overcome an actual or provisional rejection on this ground.

Enclosed herewith is an executed Terminal Disclaimer filed in accordance with C.F.R. §1.321(b) and (c) which disclaims the terminal portion of any patent issuing on the instant application that extends beyond the expiration of U.S. Patent No. 6,372,206.

The applicants submit that Terminal Disclaimer overcomes the rejection for obviousness-type double patenting and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing, the claims pending are in condition for allowance. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (650) 838-4402.

Respectfully submitted,

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